

During the review process conducted by the NPS for the renewal of the SUP for the WGHGC, the NPS discovered that a 1983 revision to the general regulations found at 36 CFR 2.17 had created the requirement of a special regulation before the NPS could renew the WGHGC permit. A review of the 1983 rulemaking indicates one of the reasons for requiring the special regulation process was to have a full review of potential conflicts before making a decision to authorize hang gliding in a particular area. This interim rule will allow the activity to continue while the agency undertakes the required rulemaking to adopt a special regulation for the AT.

The NPS is adopting this interim rule pursuant to the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) from general notice and comment rulemaking. As discussed above, the NPS believes that this exception is warranted because of the past conduct of the WGHGC while operating under NPS SUPs and the demonstrated lack of adverse conflicts with other users of the AT. These being the principal reasons for the general regulation requirement of special regulations to allow the designation of locations for this activity, the NPS finds that notice and comment are unnecessary and contrary to the public interest for this interim rule. The interim rule is limited to allowing the issuance of a SUP to WGHGC for the site known as Kirkridge, near Fox Gap, Pennsylvania, effective until December 31, 1995. Furthermore, the NPS is developing and will be publishing soon in the **Federal Register** a proposed rule requesting public comment on a special regulation to allow the use of powerless flight devices (hang gliding) on the AT.

The NPS has also determined, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), that the publishing of this interim rule 30 days prior to the rule becoming effective would be counterproductive and unnecessary for the reasons discussed above. A 30-day delay would be contrary to the public interest.

Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), it has been determined that this interim rulemaking is excepted from the 30-day delay in the effective date and shall therefore become effective on the date published in the **Federal Register** and will expire on December 1, 1995.

Drafting Information

The principal authors of this interim rulemaking are Acting Project Manager Donald T. King, Appalachian Trail

Project Office and Michael M. Tiernan, Office of the Solicitor, Washington, D.C.

Paperwork Reduction Act

This interim rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et. seq.*

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

- (a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
- (b) Introduce incompatible uses which compromise the nature and characteristics of the area or cause physical damage to it;
- (c) Conflict with adjacent ownership or land uses; or
- (d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) and by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National parks; Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. Section 7.100 is amended by adding paragraph (c) to read as follows:

§ 7.100 Appalachian National Scenic Trail.
* * * * *

(c) *Powerless flight.* The use of devices designed to carry persons through the air in powerless flight is allowed at Kirkridge, located near Fox Gap, Pennsylvania, pursuant to a permit issued by the project manager. This authority shall expire on December 31, 1995.

Dated: July 11, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–17369 Filed 7–13–95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 144–5–7100c; FRL–5256–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination That State Has Corrected the Deficiencies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: Elsewhere in today's **Federal Register**, EPA published a direct final rule fully approving revisions to the California State Implementation Plan (SIP). The revisions concern South Coast Air Quality Management District's (SCAQMD) Rules 1106, 1107, 1115 and 1171 and Santa Barbara County Air Pollution Control District's (SBAPCD) Rules 323 and 339. On that date, EPA also published a proposed rulemaking to provide the public with an opportunity to comment on EPA's action. If a person submits adverse comments on EPA's proposed action within 30 days of publication of the proposed and direct final actions, EPA will withdraw its direct final action and will consider any comments received before taking final action on the State's submittal. Based on the proposed full approval, EPA is making an interim final determination by this action that the State has corrected the deficiency for which a sanctions clock began on January 20, 1994. This action will defer the application of the offset sanction and defer the application of the highway sanction. Although this action is effective upon publication, EPA will take comment. If no comments are received on EPA's proposed approval of the State's submittal, the direct final action published in today's **Federal Register** will also finalize EPA's determination that the State has

corrected the deficiency that started the sanctions clock. If comments are received on EPA's proposed approval and this interim final action, EPA will publish a final notice taking into consideration any comments received.

DATES: This interim final determination is effective on July 14, 1995. Comments must be received by August 14, 1995.

ADDRESSES: Comments should be sent to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

The state submittal and EPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address and at the following locations:

Environmental Protection Agency, Air Docket (6102) 401 "M" Street, S.W., Washington 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812-2815

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4812

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, CA 93117

FOR FURTHER INFORMATION CONTACT:

Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION:

I. Background

On May 13, 1993, the State submitted SCAQMD's Rule 1106, Marine Coating Operations and Rule 1107, Coating of Metal Parts and Products; on June 19, 1992 the State submitted SCAQMD's Rule 1171, Solvent Cleaning Operations and SBAPCD's Rule 339, Motor Vehicle and Mobile Equipment Coating Operations; on December 31, 1990 the State submitted SBCAPCD's Rule 323, Architectural Coatings and on September 14, 1992 the State submitted SCAQMD's Rule 1115, Motor Vehicle Assembly Line Coating Operations. EPA published a limited disapproval for these rules in the **Federal Register** on December 20, 1993; 58 FR 66282 and 58 FR 66285 respectively. EPA's disapproval action started an 18-month clock for the application of one sanction (followed by a second sanction 6 months later) under section 179 of the Clean Air Act (Act) and a 24-month clock for promulgation of a Federal Implementation Plan (FIP) under

section 110(c) of the Act. The State subsequently submitted a revised SCAQMD Rule 1106 on February 24, 1995, a revised SBAPCD Rule 339 on April 13, 1995, a revised SBAPCD Rule 323 on May 24, 1995 and SCAQMD Rules 1107, 1115 and 1171 on June 16, 1995. EPA has taken direct final action on these submittals pursuant to its modified direct final policy set forth at 59 FR 24054 (May 10, 1994). In the Rules section of today's **Federal Register**, EPA issued a direct final full approval of the State of California's submittal of SCAQMD's Rule 1106, Marine Coating Operations; SCAQMD's Rule 1107, Coating of Metal Parts and Products; SCAQMD's Rule 1115, Motor Vehicle Assembly Line Coating Operations; SCAQMD's Rule 1171, Solvent Cleaning Operations and SBAPCD's Rule 323, Architectural Coatings and SBAPCD's Rule 339, Motor Vehicle and Mobile Equipment Coating Operations. In addition, in the Proposed Rules section of today's **Federal Register**, EPA proposed full approval of the State's submittal.

Based on the proposed and direct final approval, EPA believes that it is more likely than not that the State has corrected the original disapproval deficiency. Therefore, EPA is taking this final rulemaking action, effective on publication, finding that the State has corrected the deficiency. However, EPA is also providing the public with an opportunity to comment on this final action. If, based on any comments on this action and any comments on EPA's proposed full approval of the State's submittal, EPA determines that the State's submittal is not fully approvable and this final action was inappropriate, EPA will either propose or take final action finding that the State has not corrected the original disapproval deficiency. As appropriate, EPA will also issue an interim final determination or a final determination that the deficiency has not been corrected. Until EPA takes such an action, the application of sanctions will continue to be deferred and/or stayed.

This action does not stop the sanctions clock that started for these areas on January 20, 1993. However, this action will defer the application of the offsets sanction and will defer the application of the highway sanction. See 59 FR 39832 (Aug. 4, 1994). If EPA's direct final action fully approving the State's submittal becomes effective, such action will permanently stop the sanctions clock and will permanently lift any applied, stayed or deferred sanctions. If EPA must withdraw the direct final action based on adverse comments and EPA subsequently

determines that the State, in fact, did not correct the disapproval deficiency, EPA will also determine that the State did not correct the deficiency and the sanctions consequences described in the sanctions rule will apply. See 59 FR 39832, to be codified at 40 CFR 52.31.

II. EPA Action

EPA is taking interim final action finding that the State has corrected the disapproval deficiency that started the sanctions clock. Based on this action, application of the offset sanction will be deferred and application of the highway sanction will be deferred until EPA's direct final action fully approving the State's submittal becomes effective or until EPA takes action proposing or finally disapproving in whole or part the State submittal. If EPA's direct final action fully approving the State submittal becomes effective, at that time any sanctions clocks will be permanently stopped and any applied, stayed or deferred sanctions will be permanently lifted.

Because EPA has preliminarily determined that the State has an approvable plan, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.¹ 5 U.S.C. 553(b)(B). EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. EPA has reviewed the State's submittal and, through its proposed and direct final action is indicating that it is more likely than not that the State has corrected the deficiency that started the sanctions clock. Therefore, it is not in the public interest to initially impose sanctions or to keep applied sanctions in place when the State has most likely done all that it can to correct the deficiency that triggered the sanctions clock. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiency prior to the rulemaking approving the State's submittal. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while EPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this

¹ As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

action, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction. See 5 U.S.C. 553(d)(1).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with the proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the state and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This action temporarily relieves sources of an additional burden potentially placed on them by the sanctions provisions of the Act. Therefore, I certify that it does not have an impact on any small entities.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental regulations, Reporting and recordkeeping

requirements, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: June 27, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95-17267 Filed 7-13-95; 8:45 am]

BILLING CODE 6560-50-W

40 CFR Part 52

[CA 144-5-7100a; FRL-5256-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following districts: South Coast Air Quality Management District (SCAQMD) and Santa Barbara County Air Pollution Control District (SBAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on these rules serves as a final determination that the deficiencies in these rules have been corrected and that on the effective date of this action, any sanctions or Federal Implementation Plan (FIP) obligations are permanently stopped. The revised rules control VOC emissions from marine coating operations, coating of metal parts and products, motor vehicle assembly line coating operations, solvent cleaning operations, architectural coatings, and motor vehicle and mobile equipment coating operations. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This final rule is effective on September 12, 1995 unless adverse or critical comments are received by August 14, 1995. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812-2815

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, CA 93117

FOR FURTHER INFORMATION CONTACT:

Daniel A. Meer, Chief Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: SCAQMD's Rule 1106, Marine Coating Operations; Rule 1107, Coating of Metal Parts and Products; Rule 1115, Motor Vehicle Assembly Line Coating Operations; Rule 1171, Solvent Cleaning Operations and SBAPCD's Rule 323, Architectural Coatings and Rule 339, Motor Vehicle and Mobile Equipment Coating Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on February 24, 1995 (Rule 1106), April 13, 1995 (Rule 339), May 24, 1995 (Rule 323) and June 16, 1995 (Rules 1107, 1115 and 1171).

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the South Coast Air Basin and the Santa Barbara, Santa Maria and Lompoc Area (Santa Barbara County). 43 FR 8964, 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. (40 CFR 52.222). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the